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10
11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN FRANCISCO DIVISION**

14 IN RE TOYOTA RAV4 HYBRID FUEL
15 TANK LITIGATION

16
17 This Document Relates To: All Actions

Case No. 3:20-cv-00337-EMC

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND DEADLINE FOR
JOINT SUBMISSION ON *DIAZ*
FACTORS**

L.R. 6-2, 7-12

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Pursuant to Local Civil Rules 6-2 and 7-12, Plaintiffs Andrew Hamblen, Richard DeLuca, Barbara Tom, Serge Perry, Brennen Mulcahy, Kelly Kafeyan, Kaitlin Cirulli, Scott Barden, Antonius Tran, Richard Wagner, Jedediah Clawson, Marco Fernandez, Denny Brand, Barbara Brand, Matthew Kahn, Phillip Ferraguto, Lonnie Birchfield, Dennis Klinkhammer, Jonathan Pool, Phillip Martin, Suzanne Hakes, Chad Simmons, Brad Ramaekers, Paul McPhie, Angelo Markatos, Domenico Colabraro, Kirk Arellano, Sarah Kessler, Adolfo Muccillo, Yuriy Genzel, Margaret Louie, Curtis Huston, Neil DiBiase, Doug Phillips, Louis Gentile, Mark Beaty, Ken Hulme, Kimberly Hulme, and Tim Thompson (together, “Plaintiffs”), and Defendant Toyota Motor Sales, U.S.A., Inc. (“TMS,” and together with Plaintiffs, the “Parties”), by and through their respective undersigned counsel, hereby stipulate as follows:

WHEREAS, on January 5, 2022, the Parties informed the Court that they were engaged in settlement discussions (ECF 124) and had reached a settlement in principle that was subject to final documentation on March 29, 2022 (ECF 129);

WHEREAS, on May 5, 2022, the Parties finalized and executed their settlement and thereafter filed their Stipulation for Voluntary Dismissal with Prejudice Pursuant to Federal Rule of Civil Procedure 41(a) *et seq.* and proposed order thereon on May 9, 2022 which provides for dismissal with prejudice of the named plaintiffs’ claims and causes of action (ECF 133);

WHEREAS, on May 10, 2022, the Court issued its Order requiring the Parties to file a joint submission regarding the settlement by May 17, 2022, which addresses Federal Rule of Civil Procedure Rule 23(e) and *Diaz v. Trust Territory of Pac. Islands*, 876 F.2d 1401(9th Cir. 1989) (ECF 134);

WHEREAS, the Parties met and conferred on May 11, 2022 to discuss their forthcoming joint submission and believe an additional week’s time is necessary to comply with the Court’s Order in light of the need to gather the requested information and evidence (including any accompanying declarations) and given prior scheduling and vacation conflicts among counsel;

WHEREAS, this Stipulation is made with good cause shown, in good faith, and not for the purpose of unnecessary delay; and

WHEREAS, this requested continuance will only disrupt the case schedule insofar as it would postpone the Court's consideration of whether to enter the proposed order dismissing the action in its entirety.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the Parties that, through their respective undersigned counsel, subject to Court approval that:

1. The May 17, 2022 deadline for the Parties to file their joint submission regarding Rule 23(e) and *Diaz* is CONTINUED to May 24, 2022.

The parties respectfully request that the Court enter an Order approving this Stipulation.

IT IS SO STIPULATED.

Dated: May 13, 2022

SCHUBERT JONCKHEER & KOLBE LLP

By: /s/ Dustin L. Schubert

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Dated: May 13, 2022

Nelson Mullins Riley & Scarborough LLP

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Attorneys for Defendant Toyota Motor Sales, U.S.A., Inc.

* * * *

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Edward M. Chen
U.S. District Court Judge

FILER'S ATTESTATION

I, Dustin L. Schubert, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order to Extend Deadline for Joint Submission on *Diaz* Factors. In compliance with Local Rule 5-1(h)(3), I hereby attest that Jahmy S. Graham concurs in this filing's content and has authorized its filing.

Dated: May 13, 2022

By: /s/ Dustin L. Schubert
Dustin L. Schubert

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